

# Notice of Allowability

Application No.

10/619,425

Examiner

Frantz F. Jules

Applicant(s)

KANE ET AL.

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3617

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 07/20/2004.
2. ☒ The allowed claim(s) is/are 1-20.
3. ☒ The drawings filed on 16 July 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date 07162003
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_.
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

### **REASON FOR ALLOWANCE**

1. Whitfield et al disclose a system and method for dynamically controlling the operation of a plurality of unmanned freight trains over a predetermined track layout comprising the step of generating a movement plan that provides for the operation of the freight trains over several alternative routes, a wireless communication system is used to transmit speed and braking commands of the freight trains. Haggstedt discloses a train control system comprising beacon transponders along the track to transmit fixed data to a passing train in addition to dynamic data relating to track availability. The fixed data includes the location of block boundaries and distances to such boundaries, time table speed limit and the distance to a point along the track at which a speed restriction is in effect. The system is capable of enforcing any restrictive instructions that are not obeyed. Roop et al disclose an intelligent intersection control system comprising an internal controller that digital messages concerning a train, a controller that continuously adjust the activation state for safety devices associated with the crossing and display the status of the crossing including the amount of time remaining until the crossing is cleared. Michalek discloses a railway train signaling system for remotely operating warning devices at crossings and for receiving warning device operational information comprising a global positioning system receiver mounted within the locomotive, a self-diagnostic mechanism within the crossing signal device capable of performing certain internal checks for proper functioning of the warning devices. The system includes the capability to signal the approach of a locomotive directly to specially equipped motor vehicles as well as the capability for a locomotive to

signal its position to other locomotives for purposes of collision avoidance. However, none of the references of record suggests a computerized method for activating a warning device on a train at a location, wherein the steps of selecting a next upcoming location from among the locations in a database at least in part on the position and determining a point at which to activate the warning device in compliance with a regulation corresponding to the next upcoming location are provided in the manner defined in the instant claims 1 and 11 and in combination with other limitations of the claims. Therefore, claims 2-10, 12-20, depending therefrom are considered to be allowable.

### ***Conclusion***

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frantz F. Jules whose telephone number is (703) 308-8780. The examiner can normally be reached on Monday-Thursday and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph S. Morano can be reached on (703) 308-0230. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Frantz F. Jules  
Primary Examiner  
Art Unit 3617

FFJ

August 11, 2004

**FRANTZ F. JULES**  
**PRIMARY EXAMINER**  
